

**CITY OF CLEWISTON
Regular Commission Meeting
July 18, 2011**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, July 18, 2011. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Pastor John Hicks gave the invocation and Cub Scout Coleman Ponce led the audience in the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Richard Miller, Commissioner Mali Gardner, Commissioner James Pittman and Commissioner Julio Rodriguez. Commissioner Joseph Miller was absent.

Personnel Present: City Manager Steve McKown, Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, City Engineer Tommy Perry and City Attorney Charles Schoech.

Visitors Present: Tony Chihocky, John Hicks, Christine Howell, Amy McKown, Doris Moore, Coleman Ponce and Curtiss Pullen.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager McKown asked that the discussion of the tentative millage rate be added to the agenda as Item 8. The Commission agreed.

Public Comments – John Hicks, Pastor of the First United Methodist Church and President of the Clewiston Ministerial Association came forward to speak. Pastor Hicks stated he wanted to thank the Clewiston Explorer Post for the activities they provided on July 4th before the fireworks. Commissioner Gardner asked that the City send the Explorers a letter to thank them for their community involvement. Mayor Miller stated he hears good things about the Explorer Post and feels they do a good job representing the City.

1. Consent Agenda

- A. *City Commission Workshop Minutes – June 16, 2011*
- B. *City Commission Regular Meeting Minutes – June 20, 2011*
- C. *Library Annual Plan of Service Approval*
- D. *Appointment of Cynthia Carrol to the Library Advisory Board*

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Consent Agenda. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 2. Award of Property and Casualty Insurance Bid** – City Manager McKown stated that this item was tabled from the June 20 meeting. He stated that City staff has done more in-depth comparisons of the companies and recommends that the City award the bid to PRM. Finance Director Byrd explained that if the City changed insurance companies that we would have to pay the current company around \$30,000 for outstanding claims administration. Mr. Byrd also felt that the City could drop the excess liability coverage. Commissioner Rodriguez asked how this year's premium compared to last year's. Mr. Byrd stated it almost the same as last year. Commissioner Pittman stated he felt the City needed to re-evaluate our property insurance coverage on our buildings as we may be over-insured. City Manager McKown stated that this will be completed within 60 days.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to drop the excess liability insurance coverage and award the bid to PRM for property and casualty insurance in an amount not to exceed \$435,000. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

- 3. Award of Sikes Park Lease Bid** – Mayor Miller stated the City advertised for bids for the lease of the Sikes Park building. City Manager McKown stated the City received one bid from the

current lessee for the lease in the amount of \$500.00 per month. Mr. McKown stated that the City did have to spend some money on the building this year to bring it into ADA compliance.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to award the bid for the lease of the Sikes Park building to Little Disciples (Jeremy Greaves) in the amount of \$500.00 per month. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

4. **Final Decision on Red Light Camera Right Turn on Red Parameters** – Mayor Miller stated the language in the State law pertaining to the photo enforcement of right turn on red violations is vague and ambiguous. There is a point where a “rolling stop” is no longer a safe traffic maneuver. City Manager McKown stated City representatives had a discussion with American Traffic Solutions and he felt they had adequately answered our questions and concerns. He stated we are now at the point where we need to decide on the miles per hour parameters for right turns on red. The Commission discussed several scenarios of tickets on right turns on red and Police Chief Gutshall stated the Police Department will have the final say on all tickets as to whether they are issued or not. Commissioner Rodriguez stated he does not support enforcing right turns on red as he feels our citizens are already struggling. City Manager McKown stated that signs giving notice that the City will be installing traffic cameras must be put up 30 days in advance of installation and a sign will remain posted where the cameras are working. City Attorney Schoech stated the prudent thing is that the speed for right turns on red is increased to 14 mph as it will be difficult to argue this is a safe speed.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to enforce right turns on red in excess of 14 mph. Vote 3 yeas, 1 nay. (Commissioner Rodriguez voted nay and Commissioner Joseph Miller was absent.)

5. **Personnel Policy Changes** – City Manager McKown stated the Payroll and Benefits Committee has met several times to discuss our Annual Leave and Sick Time Policies. Mr. McKown stated that the Committee compared our benefits with our sister cities and found our benefits to be very liberal. The Committee agreed to the changes to the policies and then met with City department heads who had no problem with the changes. Mr. McKown stated if the Commission approves the changes, a Resolution will be presented at the next meeting to formally incorporate them in our Personnel Policy Manual.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Personnel Policy changes presented. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

6. **Departmental Monthly Activity Reports** – Presented for information only.
7. **Utilities/Electric Departmental Presentation** – Utilities Director McCarthy gave an informative presentation.
8. **Adoption of Tentative Millage Rate** - Finance Director Byrd needs to send the county the City's DR 420. Mr. Byrd would like to send in the form with the rolled back millage rate of 6.7302 which would give the City roughly the same amount of funds we had last year. The Commission does not have to adopt the tentative millage rate; it can always be lowered, but cannot be raised higher than what is sent in on the DR 420. Commissioner Rodriguez stated he will not support a tax increase.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to authorize the Finance Director to send in the DR 420 with a tentative millage rate of 6.221 (same as this year). Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent.)

FINANCIAL REPORT FROM THE FINANCE DIRECTOR – Finance Director Byrd stated that we are still ahead in the budget game. We have more revenues than expenses.

REPORTS FROM CITY MANAGER – City Manager McKown stated that the owners of Discovery Day are looking to expand their day care center. The City has a lot on Basilan Crescent that adjoins their property and we would like to explore selling or giving the property to them for the

expansion. City Attorney Schoech will look into this. Mr. McKown stated that the golf carts the Commission declared surplus brought over \$9,000. Mr. McKown stated that he has learned that the County is talking to Gustavo Perez, Hato Potrero Farms, about locating his expanding business to their industrial park. Hato Potrero is one of our largest power purchasers and we would like to keep them in the City. Mr. McKown asked that the Commission consider the City building and leasing a building in our Commerce Park to Hato Potrero for their expansion. Mr. McKown stated they are looking for a building with about 6,000 sq. ft. Commissioner Rodriguez stated Hato Potrero is in the process of getting a contract with Broward and Dade County schools and his juice is going to Publix and other Spanish businesses. Commissioner Rodriguez stated Mr. Perez has been in the yogurt business over ten years and he feels he is a good businessman. Commissioner Rodriguez recommended that we find out the cost of the building and have Mr. Perez come back and give a presentation and update of his business to the Commission.

REPORTS FROM THE CITY ATTORNEY – Mr. Schoech stated the building on Aztec the Building Board ordered to be demolished shares a wall which is part of a church's property. He met with a representative of the church who will discuss whether to leave the wall or demolish the wall when the building is demolished.

REPORTS FROM THE CITY COMMISSION – Commissioner Gardner asked for a list of the City's settled lawsuits. Commissioner Pittman asked about the Plattner's building improvements. Community Development Director Reese stated that they have discussed their plans but he has not seen a signed contract for the improvements. City Manager McKown and Mr. Reese will call Plattner's to discuss the building. Commissioner Pittman stated he is all for saving buildings, but the property can be made presentable. He stated the Building Board made the decision for the building to be demolished and he would like to be present when the call is made to Plattner's. Mayor Miller asked about the Robinson's Pool & Patio building. Community Development Director Reese stated that the Special Magistrate levied a fine of \$25 per day on Robinson's building. He said he has met with the owner and thinks they have a workable plan to repair the building. Commissioner Rodriguez stated he does not understand why we fine a business who has been in business for years, but let another business go without a fine. Commissioner Gardner asked if the fines can be refunded when the building comes into compliance. City Attorney Schoech stated he felt the City should never eliminate the fine; but the City can make a reasonable reduction. Commissioner Pittman asked when the budget notebooks will be ready. They will be delivered no later than July 26 and we will have a Budget Workshop at 5:00 p.m. prior to the Special Commission meeting on August 1.

Adjournment:

The meeting was adjourned at 7:45 p.m.

Richard Miller, Mayor

Marilyn McCorvey, City Clerk